

In the High Court of Judicature for Rajasthan
At
Jaipur Bench, Jaipur

O R D E R

In

S.B. Criminal Misc. Bail Application No.6723/06
Rajbalwan Solanki alias Raj Singh Solanki and another
Vs.
State of Rajasthan

Date Of Order :: 21st November, 2006

Hon'ble Mr. Justice Jitendra Ray Goyal

Mr. R.N. Mathur, counsel for petitioners.
Mr. R.P. Kuldeep, Public Prosecutor for State.
Mr. Dharamveer Tholia, counsel for complainant.

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Heard learned counsel for accused petitioners as well as complainant, learned Public Prosecutor for the State, perused the case diary and other material produced during the course of arguments.

It is contended on behalf of the accused petitioners that the complainant Poonam Solanki along with her husband Anil Kumar Solanki who is younger brother of accused petitioner Rajbalwan Solanki were living separately in a portion of the house owned by the accused petitioners, thereafter dispute between the petitioner Rajbalwan Solanki and his brother Anil Kumar Solanki regarding vacation of the house started and when on several requests Anil Kumar

Solanki and his wife, the complainant Poonam Solanki, did not vacate the house then a civil suit was filed by the accused petitioner against the husband of the complainant which was ultimately disposed of by way of compromise. It is also submitted that the accused petitioners were not happy with the activities of the complainant and her husband Anil Kumar Solanki, therefore a public notice was got published by the petitioner on 12/4/2006 in the daily newspaper to the effect that they would not be responsible for any act and conduct of his younger brother Anil Kumar Solanki and his wife Smt. Poonam Solanki. It is also submitted that the complainant has lodged this FIR in connivance of her husband Anil Kumar Solanki just to harass the accused petitioners since they wanted to grab the house in which the complainant and her husband were living as licensees. It is also submitted that apprehending from revengeful attitude of the complainant and her husband the accused petitioner send a letter to the Superintendent of Police, District Jhunjhunu for necessary protection and earlier also the accused petitioners made a complaint to the Commissioner of Police, New Delhi for criminal intimidation for causing threats to life against Anil Kumar Solanki, therefore in this situation one cannot think to harass the complainant, wife of Anil Kumar Solanki who is having very

strained relations with the accused petitioners since last more than one year.

Learned Public Prosecutor and counsel appearing for the complainant vehemently opposed the bail application and contended that the accused petitioners harassed the complainant in connection to demand of dowry, they ill-treated her, did not return the dowry articles and dropped her at her parental house forcibly. It is also submitted that the complainant also wrote a letter to her parents in regard to harassing her by the accused petitioners and other co-accused persons.

Having considered the rival submissions made at the bar, material produced during the course of arguments, nature of accusation and allegations and keeping in view the fact that accused petitioners got published a public notice against the acts and conducts of the complainant Poonam Solanki and her husband Anil Kumar Solanki in a daily newspaper on 12/4/2006 about six months prior to lodging this FIR, it is also evident from the material available on record that civil suit was filed on 12/5/2006 by the accused petitioner Rajbalwan Solanki against the husband of the complainant in regard to the dispute of the house which was ultimately disposed of after recording the statement of Anil Kumar Solanki on 7/8/2006 and also keeping in view that

much prior of lodging this FIR the accused petitioners made a complaint to Police Station Chirawa for their protection and accused petitioners also send a complaint against Anil Kumar Solanki to the commissioner of Police, New Delhi alleging the acts of criminal intimidation and causing threats to life and also keeping in view the statements of the neighbourers of the complainant while residing at Delhi separately recorded by the police, without making any observation on merits, I deem it proper to grant the benefit of pre-arrest bail to accused petitioners Rajbalwan Solanki alias Raj Singh Solanki and Smt. Arti Solanki.

In the result, the bail application is allowed and it is directed that in the event of arrest of petitioners Rajbalwan Solanki alias Raj Singh Solanki S/o. Balwan Solanki and Smt. Arti Solanki W/o. Raj Singh, they shall be released on bail by the concerned SHO/Investigating Officer in FIR No.304/2006 registered at Police Station Chirawa, District Jhunjhunu provided each of them furnishes a personal bond in the sum of Rs.10,000/- together with two sureties each in the sum of Rs.5,000/- to his satisfaction on the following conditions :-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that the petitioners shall not directly or indirectly make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or any police officer; and
3. that the petitioners shall not leave India without previous permission of the Court.

(J.R. Goyal),J

**VS Shekhawat/-
Jr. P.A.**